



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William R. Selbig, Regional Director

Northeast Region Headquarters
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March 24, 1999

CERTIFIED MAIL
Return Receipt Requested
FID #436034390
CT #99-NEEE-012

Mr. James Brisch
Rockwell Lime Company
4110 Rockwood Rd.
Manitowoc, WI 54220

Subject: Notice of Violation, Section 285, Wisconsin Statutes

Dear Brisch:

The Department of Natural Resources (Department) has reason to believe that Rockwell Lime Company (Rockwell) is in violation of Wisconsin's Air Management regulations at Rockwell's facility located at 4110 Rockwood Road, Manitowoc County, Wisconsin. The Department alleges Rockwell is in violation of Air Pollution Control Permit #93-RV-108 as follows:

Air Pollution Control Permit (93-RV-108). Categorical Emissions Limitations section A.1. of the permit, limits the particulate matter emissions from Process P36, Stack S11 of rotary lime kiln number 2. Specifically, particulate matter emissions are limited to 0.3 pounds per ton stone feed using a baghouse as Best Available Control Technology (BACT).

On November 24, 1998, a stack test for particulate matter emissions was conducted on Stack S11, Process P36 of rotary lime kiln #2. Results of the stack test indicate that particulate matter emissions are 0.41 pounds per ton stone feed. This exceeds the limit of 0.3 pounds per ton stone feed, established under its permit as BACT for lime kiln #2. Therefore, the Department alleges Rockwell is in violation of Air Pollution Control Permit #93-RV-108.

The Department is very concerned about this apparent violation. The Department requests that Rockwell provide a written explanation by April 9, 1999, describing any extenuating circumstances surrounding this situation, an update on the progress you have made to return Rockwell to compliance, and any further clarification you can provide regarding the days of violation. By April 9, 1999, Rockwell should also:

1. Describe all corrective action(s) performed on the baghouse;
2. Conduct a new stack test for particulate matter emissions on Stack S11 with lime kiln #2 operating at capacity.

According to the air emission inventory, Rockwell is classified as a major air source. As such, any violation of a federally enforceable requirement classifies Rockwell as a Significant Violator. The national enforcement policy allows the United States Environmental Protection Agency to

take the lead and begin federal enforcement action if the above cited violation is not resolved or referred to the Wisconsin Department of Justice by approximately July 19, 1999.

The Department is issuing this Notice of Violation under s. 285.83, Wisconsin Statutes. Please be advised the Department is authorized to seek injunctive or other appropriate relief for violations of air pollution laws, including forfeitures of no more than \$25,000 per violation, pursuant to s. 285.87(1), Wis. Stats. Any person who intentionally commits an act that violates or fails to perform an act required by laws relating to air pollution may be fined not more than \$25,000 per day of violation or imprisoned for not more than 6 months or both, pursuant to s. 285.87(2)(a), Wis. Stats. Each day of violation is considered a separate offense.

If you have any technical questions please contact Mr. James Crawford, Air Management Engineer, at 920/492-5794. If you have questions regarding this letter, please call me at 920/492-5944.

Sincerely,



Judith M. Doelger
Environmental Enforcement Specialist

cc: R. Wulk/J. Crawford/NER File
T. Steidl - LS/5
A. Seeber -ENF-AM/7
S. Valentine, USEPA Region 5, Air Enforcement & Compliance Assurance Branch

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MANAGEMENT